

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LEONARD JACKSON NAILS
and DANTE FLOZELL NAILS, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
February 23, 2006

Petitioner-Appellee,

v

MONIQUE YVONNE NAILS,

Respondent-Appellant,

and

LEONARD JACKSON

Respondent.

No. 263641
Oakland Circuit Court
Family Division
LC No. 03-679937-NA

Before: Cooper, P.J., and Jansen and Markey, JJ.

PER CURIAM.

Respondent Monique Yvonne Nails appeals by right the trial court's order terminating her parental rights to her sons pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).¹

We review a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding is clearly erroneous when we are left with the firm and definite conviction that a mistake was made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). To be clearly erroneous, a decision must be more than maybe or probably wrong. *Sours*, *supra*. If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole

¹ Respondent Leonard Jackson is not a party to this appeal.

record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

Respondent challenges only the finding concerning the grounds for termination set out in MCL 712A.19b(3)(c)(i) and (g). She does not challenge the findings made pursuant to MCL 712A.19b(3)(a)(ii), so she has abandoned any challenge on this ground. Because respondent has not shown clear error in the decision that clear and convincing evidence supported termination under MCL 712A.19b(3)(a)(ii) and one ground alone is sufficient, we need not address the other grounds for termination. *Trejo, supra* at 360. Moreover, respondent's failure to challenge the additional ground the trial court cited in support of termination of her parental rights renders this portion of her appeal moot.

Nevertheless, after viewing the evidence presented, we find that respondent has failed to show that the trial court clearly erred. Respondent abandoned the children from June 2004 until March 30, 2005. She did not visit them and only sporadically contacted the caseworker. Grounds for termination were clearly established under MCL 712A.19b(3)(a)(ii). In addition, while respondent contends that she would have been able to address the conditions that lead to adjudication and provide proper care and custody within a reasonable time, the evidence does not support her assertion. At the time of the termination hearing, respondent had been sober for less than one month. She admitted that she struggled for fifteen years with her drug and alcohol dependency and had had numerous relapses. Respondent's initial enrollment in her latest drug program was involuntary. Respondent had also failed to address her lack of adequate income and continued to live in unsuitable housing. Under the circumstances, we do not find clear error in the trial court's decision that grounds for termination existed under MCL 712A.19b(3)(c)(i) and (g).

Respondent next argues that the trial court clearly erred when it found that termination was in the children's best interest. We disagree. The evidence supported the trial court's decision that the children needed stability and permanence. Both children have behavioral and learning difficulties. The evidence showed that respondent's continued relapses and her ability to care for the children negatively affected them. At the time of the best interest hearing, the boys had been in limbo for almost two years. The evidence failed to show that termination of respondent's parental rights was clearly not in the children's best interests. See MCL 712A.19b(5); *Trejo, supra* at 356-357.

We affirm.

/s/ Jessica R. Cooper
/s/ Kathleen Jansen
/s/ Jane E. Markey